UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,303	03/26/2001	Katsuichi Nakamura	FUJI 18.503	8882

26304 7590 01/25/2008

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
MIRZA, ADNAN M	

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/817,303	NAKAMURA ET AL.	
	Examiner	Art Unit	
	ADNAN M. MIRZA	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terrell et al (U.S. 2002/0188720) and further in view of Brown et al (U.S. 5,941,947).

As per claims 1,2 Terrell disclosed a network access control method for a network system comprising: network apparatuses having packet filtering functions; a service server connected with an IP network via the network: apparatus, providing contents on the service server to a user; a user terminal connected with the IP network via the network apparatus, for the user to utilize the contents on the service server; a reception server connected with the IP network via the network apparatus (Page. 2, Paragraph. 0024), receiving an access request to the contents on the on the service server from the user on behalf of the service server; and an access control server controlling the network apparatus, said method comprising the steps of: a) said access control server first denying all the access requests directed to the content on the service server via network apparatus; b) said reception server receiving access request information from said user terminal, and registering the received access request information in access list; and c) said access control server extracting such an amount of the received access request information from said

access list , based on a processing capability of the service server and a traffic amount for the service server (Page. 2, Paragraph. 0023).

However Terrell did not disclose in detail "as that said service server can optimally deal with and performing traffic control to the network apparatus connected with the user terminals so as to allow the user terminal to directly access the concerns on the service server in the other of access requests".

In the same field of endeavor Brown disclosed, "The access rights of the users of the network with respect to the various user-accessible content objects are specified by access rights data that is stored within an access rights database. The access rights database is implemented as relational database on one or more security servers. Which are connected to the application servers by a local area network. The access rights data is stored within the relational database in association with multiple content category identifiers, or tokens, which identify categories or groupings of content objects (such as "internal public data", "Internet public data", and 18-and older only data") for security purposes (col. 2, lines 58-67 & col. 3, lines 1-5).

It would have been obvious to one having ordinary skill in the art the time of the invention was made to have incorporated The access rights of the users of the network with respect to the various user-accessible content objects are specified by access rights data that is stored within an access rights database. The access rights database is implemented as relational database on one or more security servers. Which are connected to the application servers by a local area network.

The access rights data is stored within the relational database in association with multiple content category identifiers, or tokens, which identify categories or groupings of content objects (such as "internal public data", "Internet public data", and 18-and older only data") for security purposes by Brown in the method and system of Terrell to manage the access rights list with millions of entries and to introduce a flexible and efficient define new types of access operations as new on-lines services and new content entitles are created.

3. As per claim 3 Terrell-Brown disclosed: a user profile holding the user information including a user class for each user; an access receiving part receiving an access from the user terminal (Page. 3, Paragraph. 0026); an access receiving part receiving the access request information received via said access receiving part into said access list in order of the reception a user class extracting part extracting an IP address from the received access request information, and identifying the user by using the extracted IP address so as to extract the user class from said user profile (Page. 5, Paragraph. 0045); and a by-user-class registering part registering the access request information received via said access receiving part into said access list based on the user class extracted through said user class extracting part (Terrell , page. 5, Paragraph. 0049).

4. As per claim 4 Terrell-Brown disclosed an estimated waiting time calculating an estimated waiting time, from the number of the users waiting, according to a position of said access list at which the access request received from the user terminal is registered (Brown, col. 17, lines 5-11); and an access information reporting part reporting the calculated estimated

waiting time to the user, and reporting to the user that the access can be performed after the estimated waiting time elapsed (Brown, col. 18, lines 51-56).

5. As per claim 5 Terrell disclosed further comprising: an access confirming part determining whether or not the access request is to be registered in said access list, when waiting is needed, after receiving the access request from the user terminal; and a waiting confirmation inquiring part inquiring to the user for said access confirming part to make the determination (Terrell, Page. 4, Paragraph 0036).

6. As per claim 6 Terrell disclosed an access control server comprising: a access information database holding information concerning a processing capability of a service server and a maximum permissible access number calculated based on the processing capability of the service server (Terrell, Page. 3, Paragraph 0026); a traffic control part controlling a network apparatus; a static permissible access number calculating part calculating the maximum permissible access number based on the information concerning the processing capability of the service server; and a filtering optimizing part reading such an amount of access request information from an access list holding the access request information from user terminals in a reception server (Terrell, Page. 4, Paragraph 0034), from the top, as that for the maximum permissible access number, producing packet filtering setting information for the users making access requests to be able to access to the service server, and setting the produced information in the network apparatus via said traffic control part (Terrell, Page. 5, Paragraph 0044).

7. As per claim 7 Terrell disclosed further comprising: a load and traffic monitoring part monitoring a load condition of the service server and a traffic condition of a network apparatus holding the service server; and a dynamic permissible access number calculating part-periodically performing communication with said load and traffic monitoring part so as to extract therefrom information of the load condition and traffic condition (Terrell, Page. 4, Paragraph 0037), and calculate the maximum permissible access number therefrom, and, also, registering the calculated maximum permissible access number in the access information database (Terrell. Page. Paragraph. 0048).

8. As per claim 8 Terrell disclosed further comprising: a control information database holding control information which is used as a guideline for reading the access request information from the access list; and a by-user-class access request reading part reading the access request information from the access list for each user class based on the control information extracted from said control information database (Terrell, Page. 5, Paragraph. 0049), when the filtering optimizing part reads such an amount of the access request information from the access list as that for the maximum permissible access number, in a case where the access request information is registered in the access list by user class (Terrell, Page. Paragraph. 0048).

9. As per claim 9 Terrell disclosed further comprising: an effective timer setting part setting an effective timer for the access request information when the packet filtering setting information is produced; and a filtering canceling part canceling the packet filtering control set in the network apparatus, when the effective timer has expired (Terrell, Page. 5, Paragraph 0046).

10. As per claim 10 Terrell disclosed a service server connected with an IP network via a network apparatus and providing a service to a user, comprising: a session finish determining part determining that a session performed with a user terminal has finished; and a session finish reporting part reporting to an access control server that the session performed with the user terminal has finished (Terrell, Page. 5, Paragraph. 0045).

11. As per claim 11 Terrell disclosed further comprising a user authenticating part determining, based on the user class extracted through the user class extracting part, whether or not the received access request is given from an un allowed user, and, reporting, when the access request is given from the un allowed user, this matter to the access control server (Terrell, Page. 5, Paragraph 0045).

12. As per claim 12 Terrell disclosed further comprising an access un allowance filtering setting part producing, based on a report from the user authenticating part of the reception server claimed in claim 11, the packet filtering setting information of access un allowance for the service server, and setting the produced information in the network apparatus (Terrell, Page. 5, Paragraph 0045).

Response to Arguments

Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive. Response to applicant's argument is as follows.

A. Applicant argued that cited portion of Terrell et al does not disclose or suggest, "registering" or holding" the received trigger notification".

As to applicant's argument Terrell disclosed, "If controller determines that the necessary profile is not installed, controller forwards the trigger notification received from filter to bandwidth broker which correlates the correlates the trigger notification with the appropriate classifier profile" (Page. 5, Paragraph. 0045). One ordinary skill in the art at the time of the invention knows that use of correlating in the above paragraph is same as registering.

B. Applicant argued that prior art did not disclose, "An access control server that applies access control based on determining a processing capability and traffic amount associated with the requested service server".

As to applicant's argument Terrell disclosed, "Communicatively coupled to a network core device via network device as shown. Those skilled in the art will appreciate, from the description to follow, the network edge services and/or incorporating the teachings of the present invention dynamically provision the differentiated services offered by and through core devices on an as-needed, as-authorized basis thereby minimizing the resources required of the network edge

device and the network support differentiated services. More specifically, network edge devices and/or, in conjunction with a bandwidth broker, dynamically create and remote filters that when triggered, initiate an admission controlling provision and access to the differentiated services of data network" (Page. 2, Paragraph. 0023).

C. Applicant argued that prior art did not disclose," Applicant's reception server that registers and holds an access request in an access registering part until extracted by an access control server upon confirming that the user request may be optimally filled by the service server".

As to applicant's argument Terrell disclosed, "If controller determines that the necessary profile is not installed, controller determines that the necessary profile is not installed, controller forwards the trigger notification received from the filter to bandwidth broker looks up the received the trigger in the admissions policy database to identify an associated classifier profile. Once the appropriate classifier profile is identified it is sent to classifier via controller in an updated message" (Page. 5, Paragraph 0045).

D. Applicant argued that prior did not disclose, "The filter information determined by reference to the process capability of a service server".

As to applicant's argument Terrell disclosed, "Once in place, filter issues a trigger message to controller when data packets are received satisfying the criteria of an installed filter" (Page. 4, Paragraph 0034).

E. Applicant argued that prior art did not disclose, "receiving access request information from user terminals, registering the received access request information in an access list, and correspondingly, extracting an amount of the received access request information from the access list as that a service server can optimally deal with, based on a processing capability of the service server and a traffic amount for the service server".

As to applicant's argument Terrell disclosed, "In accordance with the information provided by admission control policy database, such packets are marked for expedited forwarding with a through put rate of 10 Mbps, no burst in accordance with profile. Packets corresponding to classifier before 9:00 AM or after 5 PM will be marked for best-effort delivery, in accordance with profiles 514 and 516. Similarly, profiles 518-522 denote service level support for network traffic defined by classifier 504" (Page. 6, Paragraph, 0049).

Conclusion

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

15. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-

746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza

Examiner

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145